

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1430

Introduced by Assembly Member Garrick

February 23, 2007

An act to amend ~~Sections 85312 and 85703~~ *Section 85703* of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL’S DIGEST

AB 1430, as amended, Garrick. Political Reform Act of 1974: contribution limitations.

Existing law provides that, for the purposes of contribution limits imposed by the Political Reform Act of 1974, payments for communications to an organization’s members, employees, shareholders, or their family members, to support or oppose a candidate or ballot measure are not contributions or expenditures if not made for general public advertisements, such as broadcasting, billboards, or newspaper ads. However, existing law requires that payments by a political party for communications to registered party members that would otherwise qualify as contributions or expenditures be reported in accordance with provisions governing the filing of periodic campaign reports, and governing the filing of reports online or electronically with the Secretary of State.

~~This bill would provide that payments by a political party for communications to its members includes all costs associated with those communications, including indirect costs, including, but not limited to, polling costs.~~

Existing law provides that the Political Reform Act does not nullify contribution limitations or prohibitions of any local jurisdiction that

apply to elections for local elective office, except the limitations and prohibitions may not conflict with these provisions regulating payments for communications.

~~This bill would prohibit a local jurisdiction from imposing additional restrictions or limitations on these communications that are not found in the provisions regulating payments for communications~~ *provide that certain restrictions and limitations by a local jurisdiction on payments for a member communication, as defined, would conflict with these provisions and would be prohibited.*

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 85703 of the Government Code is*
- 2 *amended to read:*
- 3 85703. (a) Nothing in this act shall nullify contribution
- 4 limitations or prohibitions of any local jurisdiction that apply to
- 5 elections for local elective office, except that these limitations and
- 6 prohibitions may not conflict with the provisions of Section 85312.
- 7 (b) *Limitations and prohibitions imposed by a local jurisdiction*
- 8 *on payments for a member communication, as defined in*
- 9 *subdivision (c), that conflict with Section 85312 and which are*
- 10 *thereby prohibited by subdivision (a) include, but are not limited*
- 11 *to, any of the following:*
- 12 (1) *Source restrictions on payments for member communications*
- 13 *that are not expressly made applicable to member communications*
- 14 *by a state statute.*
- 15 (2) *Limitations on payments to a political party committee for*
- 16 *a member communication that are not expressly made applicable*
- 17 *to member communications by a state statute.*
- 18 (3) *Limitations on the scope of payments considered directly or*
- 19 *indirectly related to the making of a member communication,*
- 20 *including costs associated with the formulation, design, production,*
- 21 *and distribution of the communication such as surveys, list*

1 *acquisition, and consulting fees that are not expressly made*
2 *applicable to member communications by a state statute.*

3 (c) *For purposes of this section, “member communication”*
4 *means a communication, within the meaning of Section 85312, to*
5 *members, employees, shareholders, or families of members,*
6 *employees, or shareholders of an organization, including a*
7 *communication by a political party to its members who are*
8 *registered with that party.*

9 ~~SECTION 1. Section 85312 of the Government Code is~~
10 ~~amended to read:~~

11 ~~85312. (a) For purposes of this title, payments for~~
12 ~~communications to members, employees, shareholders, or families~~
13 ~~of members, employees, or shareholders of an organization for the~~
14 ~~purpose of supporting or opposing a candidate or a ballot measure~~
15 ~~are not contributions or expenditures, if those payments are not~~
16 ~~made for general public advertising such as broadcasting,~~
17 ~~billboards, and newspaper advertisements. However, payments~~
18 ~~made by a political party for communications to its members who~~
19 ~~are registered with that party that would otherwise qualify as~~
20 ~~contributions or expenditures shall be reported in accordance with~~
21 ~~Article 2 (commencing with Section 84200) of Chapter 4, and~~
22 ~~Chapter 4.6 (commencing with Section 84600), of this title.~~

23 ~~(b) For purposes of this section, “payments made by a political~~
24 ~~party for communications” includes all costs associated with those~~
25 ~~communications, including indirect costs, including, but not limited~~
26 ~~to, polling costs.~~

27 ~~SEC. 2. Section 85703 of the Government Code is amended~~
28 ~~to read:~~

29 ~~85703. Nothing in this act shall nullify contribution limitations~~
30 ~~or prohibitions of any local jurisdiction that apply to elections for~~
31 ~~local elective office, except that these limitations and prohibitions~~
32 ~~may not conflict with the provisions of Section 85312 nor may~~
33 ~~local jurisdictions impose additional restrictions or limitations on~~
34 ~~communications subject to Section 85312 if they are not found in~~
35 ~~Section 85312.~~

36 ~~SEC. 3.~~

37 ~~SEC. 2. The Legislature finds and declares that this bill furthers~~
38 ~~the purposes of the Political Reform Act of 1974 within the~~

- 1 meaning of subdivision (a) of Section 81012 of the Government
- 2 Code.

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